



United States Attorney
Southern District of New York

50 Main Street, Suite 1100
White Plains, New York 10606

June 24, 2025

BY ECF & EMAIL

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Morgan v. United States*, 16 Civ. 4704 (KMK)

Dear Judge Karas,

The Government respectfully writes in relation to the captioned proceedings. As the Court is aware, on June 16, 2016, petitioner Neil Morgan filed a habeas petition challenging his conviction for violation of 18 U.S.C. § 924(c). *See* Dkt. 1. On July 21, 2020, petitioner was released from BOP custody and has since completed his term of supervised release. On April 10, 2025, this Court ordered the Government to respond to petitioner's application, and on April 27, the Court so-ordered a request by the Government seeking additional time to contact the petitioner to inquire whether he intended to continue pursuing his application in this matter, and, if so, whether he sought the appointment of new counsel. *See* Dkt. Nos. 16 and 19.

Following the Court's order, the Government made multiple attempts to contact petitioner to facilitate the appointment of new counsel, including several calls and email communications sent on April 29, May 5, May 7, May 13, May 26, and June 5.¹ On June 5, Government counsel spoke to petitioner by phone, and petitioner indicated that he no longer wishes to pursue his habeas petition and that he wants the petition to be withdrawn. Government counsel memorialized this discussion in a follow-up email and sought confirmation from petitioner. To date, petitioner has not responded to the Government's email or multiple follow up messages and calls. A copy of Government counsel's email communications with defendant is attached as Exhibit A.

In view of petitioner's stated desire to withdraw his petition, the Government respectfully requests that the Court enter an order indicating that it will, absent contrary indication from petitioner, dismiss this matter in 30 days. The Government will serve any such order on petitioner by email and also inform petitioner of the entry of any such order by text message. The Government will further inform the Court of any responsive communication it receives from

¹ During discussion with Government counsel, petitioner confirmed that the Government was communicating with his current email address.

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petitioner. If petitioner fails to object during the specified period, the Government respectfully requests that this matter be dismissed.

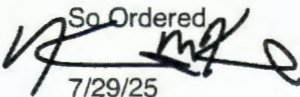
Respectfully Submitted,

JAY CLAYTON
United States Attorney

by: /s/ Benjamin Klein
Benjamin Klein
Assistant United States Attorney
(914) 993-1908

cc: Neil Morgan (by e-mail)

Given that Petitioner has indicated to the Government that he wants to withdraw his Petition, given that the Court gave Petitioner until July 25, 2025 to indicate otherwise, and given that the Court has not heard from Petitioner, the Court dismisses the Petition without prejudice and respectfully directs the Clerk to close this case.

So Ordered

7/29/25